

1 LYSSA S. ANDERSON
2 Nevada Bar No. 5781
3 KRISTOPHER J. KALKOWSKI
4 Nevada Bar No. 14892
5 KAEMPFER CROWELL
6 1980 Festival Plaza Drive, Suite 650
7 Las Vegas, Nevada 89135
8 Telephone: (702) 792-7000
9 Fax: (702) 796-7181
10 landerson@kcnvlaw.com
11 kkalkowski@kcnvlaw.com

12 *Attorneys for Defendant*
13 *Las Vegas Metropolitan Police Department*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 BRENTA BERNICE MENDOZA, an
17 individual,

18 Plaintiffs,
19 vs.

20 THE LAS VEGAS METROPOLITAN
21 POLICE DEPARTMENT; DOE OFFICERS
22 OF THE LAS VEGAS METROPOLITAN
23 POLICE DEPARTMENT I-X; ROE
24 CORPORATIONS I through X, inclusive; and
DOES I through X, inclusive,

Defendants.

Case No.: 2:24-cv-00123-RFB-BNW

**PROPOSED DISCOVERY PLAN AND
SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE WITH
LR 26-1(b)**

Defendant Las Vegas Metropolitan Police Department (“LVMPD”), through its counsel, Kaempfer Crowell, and Plaintiff Brenta Bernice Mendoza, through her counsel, the Flangas Law Firm, pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1 request the Court enter the following proposed Discovery Plan and Scheduling Order:

1. Meeting: The parties held a telephonic Rule 26 meet and confer on February 14, 2024.

1 2. Pre-Discovery Disclosures: The parties shall make their initial disclosures of
2 information required by Fed. R. Civ. P. 26 (a)(1) by **Wednesday, February 28, 2024.**

3 3. Areas of Discovery: Discovery will be conducted on all issues including, but not
4 limited to, all claims and defenses within the scope of the pleadings consistent with the Federal
5 Rules of Civil Procedure and the Local Rules of this District.

6 4. Discovery Cut-Off Date: Discovery shall take 180 days, measured from February
7 7, 2024, which is the date of filing of LVMPD's Answer to the Complaint. [ECF No. 8]
8 Accordingly, discovery must be completed by **Monday, August 5, 2024.**

9 5. LR 26-1(b)(3) Disclosures (Experts): Disclosure of experts shall proceed
10 according to LR 26-1(b)(3), except that:

11 [i] The disclosure of experts and expert reports shall occur on **Thursday,**
12 **June 6, 2024**, which is sixty (60) days before the discovery cut-off date; and

13 [ii] The disclosure of rebuttal experts and their reports shall occur on
14 **Monday, July 8, 2024**, which is thirty (30) days after the initial disclosure of experts.

15 6. Other Items:

16 a. Amending the Pleadings and Adding Parties: The parties shall have until
17 **Tuesday, May 7, 2024**, to file any motions to amend the pleadings or to add parties. This is
18 ninety (90) days before the discovery cut-off date and does not exceed the outside limit LR 26-
19 1(b)(2) presumptively sets of not less than ninety (90) days prior to the close of discovery for
20 filing such motions.

21 b. Dispositive Motions: The parties shall have until **Wednesday,**
22 **September 4, 2024**, to file dispositive motion(s). This is 30 days after the discovery cut-off date
23 and does not exceed the outside limit of 30 days following the discovery cut-off date that LR 26-
24 1(b)(4) presumptively sets for filing dispositive motions.

1 c. Settlement. The parties have not discussed settlement at this time.

2 d. Pretrial Order: The joint pretrial order shall be filed by **Friday, October**
 3 **4, 2024**, which is not later than 30 days after the date set for filing dispositive motions in this
 4 case. In the event a timely dispositive motion is filed, the deadline to submit the joint pretrial
 5 order shall be suspended until 30 days after the decision on the dispositive motion or further
 6 order of the Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) shall be made in the
 7 joint pretrial order.

8 e. Alternative Dispute Resolution: The parties believe that mediation may be
 9 beneficial. Following review of the issues and upon mutual agreement, the Parties may be
 10 exploring third-party companies to facilitate a mediation. The parties may also be amenable to
 11 mediation with the Court after further review and evaluation of the issues.

12 f. Alternative Forms of Case Disposition: The parties do not agree on
 13 consenting to trial by a magistrate judgment under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 or
 14 use of the Short Trial Program pursuant to General Order 2013-01.

15 g. Later Appearing Parties: A copy of this discovery plan and scheduling
 16 order shall be served on any person served after it is entered or, if additional defendants should
 17 appear, within five (5) days of their first appearance. This discovery plan and scheduling order
 18 shall apply to such later appearing parties, unless a stipulation of the parties is approved by the
 19 Court or the Court, on motion for good cause shown, orders otherwise.

20 h. Extensions or Modifications of the Discovery Plan and Scheduling Order:

21 Pursuant to LR 26-3, a motion or stipulation to extend any date set by the discovery plan,
 22 scheduling order, or other order, must in addition to satisfying the requirements of LR IA 6-1, be
 23 supported by a showing of good cause for the extension; be received by the court no later than
 24 twenty-one (21) days before the expiration of the subject deadline; and any request within

1 twenty-one (21) days of the subject deadline must be supported by a showing of good cause.
2 Any request made after the expiration of the subject deadline will not be granted unless the
3 movant also demonstrates that the failure to act was the result of excusable neglect. The motion
4 or stipulation to extend a discovery deadline or to reopen discovery must include:

- 5 (a) A statement specifying the discovery completed;
- 6 (b) A specific description of the discovery that remains to be completed;
- 7 (c) The reasons why the deadline was not satisfied or the remaining discovery
8 was not completed within the time limits set by the discovery plan; and
- 9 (d) A proposed schedule for completing all remaining discovery.

10 i. **Electronically Stored Information:** The parties intend to present evidence
11 in electronic format to jurors for the purposes of jury deliberations. Such information will be
12 provided in an electronic format compatible with the court's electronic jury evidence display
13 system. *See LR 26-1(b)(9).*

14 DATED this 16th day of February, 2024.

15 KAEMPFER CROWELL

16 By: /s/ Lyssa S. Anderson
17 LYSSA S. ANDERSON (SBN 5781)
18 KRISTOPHER J. KALKOWSKI (SBN
19 14892)
20 1980 Festival Plaza Drive, Suite 650
21 Las Vegas, Nevada 89135
22 ***Attorneys for Defendant LVMPD***

23 DATED this 16th day of February, 2024.

24 FLANGAS LAW FIRM

25 By: /s/ Thomas Fronczek
26 LEO P. FLANGAS (SBN 5637)
27 THOMAS M. FRONCZEK (SBN 11380)
28 600 S. 3rd Street
29 Las Vegas, NV 89101
30 ***Attorneys for Plaintiff***

31 **IT IS SO ORDERED.**

32 Dated this 26 day of February, 2024.

33 
34 _____
35 UNITED STATES MAGISTRATE JUDGE